IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18792 of 2004

Between:

P.Nanda Kumar, S/o.P.V.Subbaiah,
R/o.Railway Qtrs.No.102/8, Gudur, Nellore Dist.

.. PETITIONER

AND

1 The Chief Security Commissioner, Railway Protection Force, South Central Rly., Rail Nilayam, Secunderabad.
2 The Sr.Divisional Security Commissioner, Railway Protection force, S.C.Railway, Vijayawada Divn., Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in attaching the petitioner at security control, Vijayawada duly relieving the petitioner from Gudur which is 290 Kms. away from Vijayawada without transfer order or travelling allowance vide security control Message No.B/XP/II/MD, dated 21-7-2004 which is confirmed by the first respondent which is communicated to the petitioner vide proceedings No.B/XP.II/MD/ Vol.VII, dated 9-9-2004 of the 2nd Respondent duly denying the even Travelling Allowance vide 2nd respondent's proceedings No.B/XP.483/TA.Bills, dated 9-8-2004 is illegal, arbitrary and violative of Article 14, and 16 of the Constitution of India and consequently direct the Respondents to pay the Travelling allowance with arrears forthwith duly retaining the petitioner at Gudur till his absorption in the suitable equillant post and pass.

Counsel for the Petitioner: MR.J.M.NAIDU

Counsel for the Respondents : MR.VIJAYA BHASKAR MOOLA SC FOR RAILWAYS.

The Court, at the stage of admission, made the following :

ORAL ORDER

The petitioner was appointed as a Rakshak (Constable) in S.C. Railway on 19-07-1977. Subsequently, he was promoted as ASI in 1994. The petitioner, while working at Gudur, was medically found unfit for B-1 and B-2 categories, but, found fit in C-1 category under sedentary duties in pursuance of the medical certificate dated 16-02-2004 of the Chief Medical Superintendent, Vijayawada. The petitioner was kept under a supernumerary post at Gudur from 17-02-2004. The petitioner was attached to the security control without passing any orders of transfer and without paying any Travelling Allowance from Gudur to Vijayawada. He preferred an appeal on 10-08-2004 requesting to retain him at Gudur. The 2nd respondent informed the petitioner through the proceedings dated 09-09-2004 that the request of the petitioner to retain at Gudur was not considered by the 1st respondent. The petitioner further contends that T.A bills were submitted to the 2nd respondent through Inspector, Nellore, but the bills were rejected on the ground that the petitioner is attached on supernumerary post. The petitioner contends that the action of the 2nd respondent in directing him to report before his Office for further duties, vide message dated 21-07-2004, attaching him to the security control without any transfer orders and without paying T.A from Gudur to Vijayawada, while retaining the post of the petitioner at Gudur for the purpose of drawl of the salary, as illegal and arbitrary. He, therefore, approached this Court seeking a direction to the 2nd respondent to pay Travelling allowance with arrears and to retain the petitioner at Gudur. The learned counsel for the respondents through the counter-affidavit stated that the petitioner was ordered to report at Gudur through the proceedings dated 28-10-2004 and the T.A bills were also directed to be allowed from the date of deputation at Vijayawada, pending clarification.

In the light of the submissions made by the respondents, there is no need to pass any order directing the respondents to retain the petitioner at Gudur. Regarding the

grievance of the petitioner for payment of travelling allowance, the contents of the counter indicates that instructions were already issued to the concerned for allowing the claim of the travelling allowance of the petitioner. However, the respondents are directed to monitor the clearance of the T.A claims, made by the petitioner, as per the rules in force.

Accordingly, the writ petition is disposed of. No order as to costs.

_____

Dr.G.YETHIRAJULU,J

17th NOVEMBER 2004

*TSNR

TO

1 The Chief Security Commissioner, Railway Protection Force, South Central Rly., RailNilayam, Secunderabad.
2 The Sr.Divisional Security Commissioner, Railway Protection force, S.C.Railway, Vijayawada Divn., Vijayawada.

3 Two C.D. copies.